



CITY COUNCIL AGENDA REPORT

MEETING DATE: NOVEMBER 1, 2005

ITEM NO:

**SUBJECT: REZONE R-05-02
124 MELODY LANE**

DATE: OCTOBER 20, 2005

FROM: DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION

PRESENTATION BY: WENDY SHIH, ASSOCIATE PLANNER

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

RECOMMENDED ACTION

Give first reading to the attached ordinance, which rezones the subject property from R2-HD (Multiple-Family Residential, High Density) to R3 (Multiple-Family Residential).

BACKGROUND

The subject property is located at the end of a cul-de-sac, on the north side of Melody Lane. The property contains a single-family residence, and is zoned R2-HD with a General Plan designation of High Density Residential. The lot is surrounded by R3 zoned properties to the north, east, and south, which contain apartment units. The property to the west is zoned C1 (Local Business District) and contains a mini-warehouse facility. The property is legal, nonconforming with respect to lot size and width (minimum 12,000 square feet and 100 feet wide required; 8,873 square feet and 92 feet existing) for both the existing R2-HD zone and the proposed R3 zone.

The applicant proposes to rezone the property to R3 to accommodate future condominiums. On October 10, 2005, Planning Commission recommended to City Council that the proposed rezone be adopted on a 5-0 vote.

ANALYSIS

Based on the current R2-HD zoning, one unit per 3,000 square feet of lot area is allowed, which equates to a maximum of two units on the property. The units would have to be under a single owner because a minimum of three units is required for a common interest development (units are permitted to be sold independently). Under R3, a maximum of four units, and a common interest project, would be permitted. Rezoning the property from R2-HD to R3 will not increase the property's nonconformity with regards to lot size and width. The applicant is aware that future development must comply with Code.

The proposed R3 zone is compatible with the property's existing High Density Residential General Plan Land Use Designation, which accommodates the proposed zone and density. The request is also consistent with the other existing parcels on Melody Lane which are zoned R3. The proposal is also consistent with General Plan Land Use Goals and Objectives LU-1A.4, which encourages owner-occupied housing, and LU-1F.4, which requires consideration of residential densities with respect to infrastructure and existing residences. The rezone could allow additional home ownership opportunities within the City, and could result in a general upgrade of the property. The proposed density can be supported by existing infrastructure and is compatible with existing multiple-family residential properties in the vicinity.

ALTERNATIVES CONSIDERED

Council may choose to do either of the following:

1. Approve the rezone as recommended by the Planning Commission; or
2. Take no action on the draft ordinance and, thereby, retain the City's current R2-HD zoning designation for the property.

FISCAL REVIEW

Fiscal review is not required.

LEGAL REVIEW

The draft ordinance has been approved as to form by the City Attorney's Office.

ENVIRONMENTAL REVIEW

Pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

CONCLUSION

The Planning Commission found the proposed rezone is consistent with the General Plan. The R3 zone would allow a general upgrading of the property and additional home ownership opportunities within the City. Additionally, the R3 zone would be consistent with existing residential properties in the vicinity.


WENDY SHIH
Associate Planner


for DONALD D. LAMM
Deputy City Mgr. – Dev. Svs. Director

Attachments: Draft Ordinance
Minutes of Planning Commission meeting of October 10, 2005
Planning Commission Staff Report
Planning Commission Resolution

Distribution: City Manager
Assistant City Manager
Acting City Attorney
Deputy City Manager-Development Svs. Dir.
Public Service Director
City Clerk (2)
Staff (4)
File (2)

Jon K. Jenkins
124 Melody Lane
Costa Mesa, CA 92627

Bob Younker
145 Melody Lane
Costa Mesa, CA 92627

File: 110105R0502	Date: 101805	Time: 11:45 a.m.
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ORDINANCE NO. 05-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA, CALIFORNIA, REZONING 124 MELODY
LANE FROM R2-HD (MULTIPLE-FAMILY RESIDENTIAL,
HIGH DENSITY) TO R3 (MULTIPLE-FAMILY RESIDENTIAL)
BY ADOPTION OF REZONE PETITION R-05-02.**

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. The City of Costa Mesa Official Zoning Map is hereby amended as follows:

a. There are hereby placed and included in the R3 (Multiple-Family Residential Zoning District), 124 Melody Lane, as shown on attached Exhibit A and described in attached Exhibit B, situated in the City of Costa Mesa, County of Orange, State of California.

b. Pursuant to the provisions of Section 13-22 of the Costa Mesa Municipal Code, the Official Zoning Map of the City of Costa Mesa is hereby amended by the change of zone described in subsection a hereof and in the respective exhibits. A copy of the Official Zoning Map is on file in the office of the Planning Division.

Section 2. The proposed rezone was processed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not

affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

Section 5. Publication. This ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and, prior to the expiration of fifteen (15) days from its passage, shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names of the members of the City Council voting for and against the same.

PASSED AND ADOPTED this _____ day of _____ 2005.

Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

Deputy City Clerk of the City of Costa Mesa

City Attorney

EXHIBIT A

MULTIPLE-FAMILY RESIDENTIAL (R3)

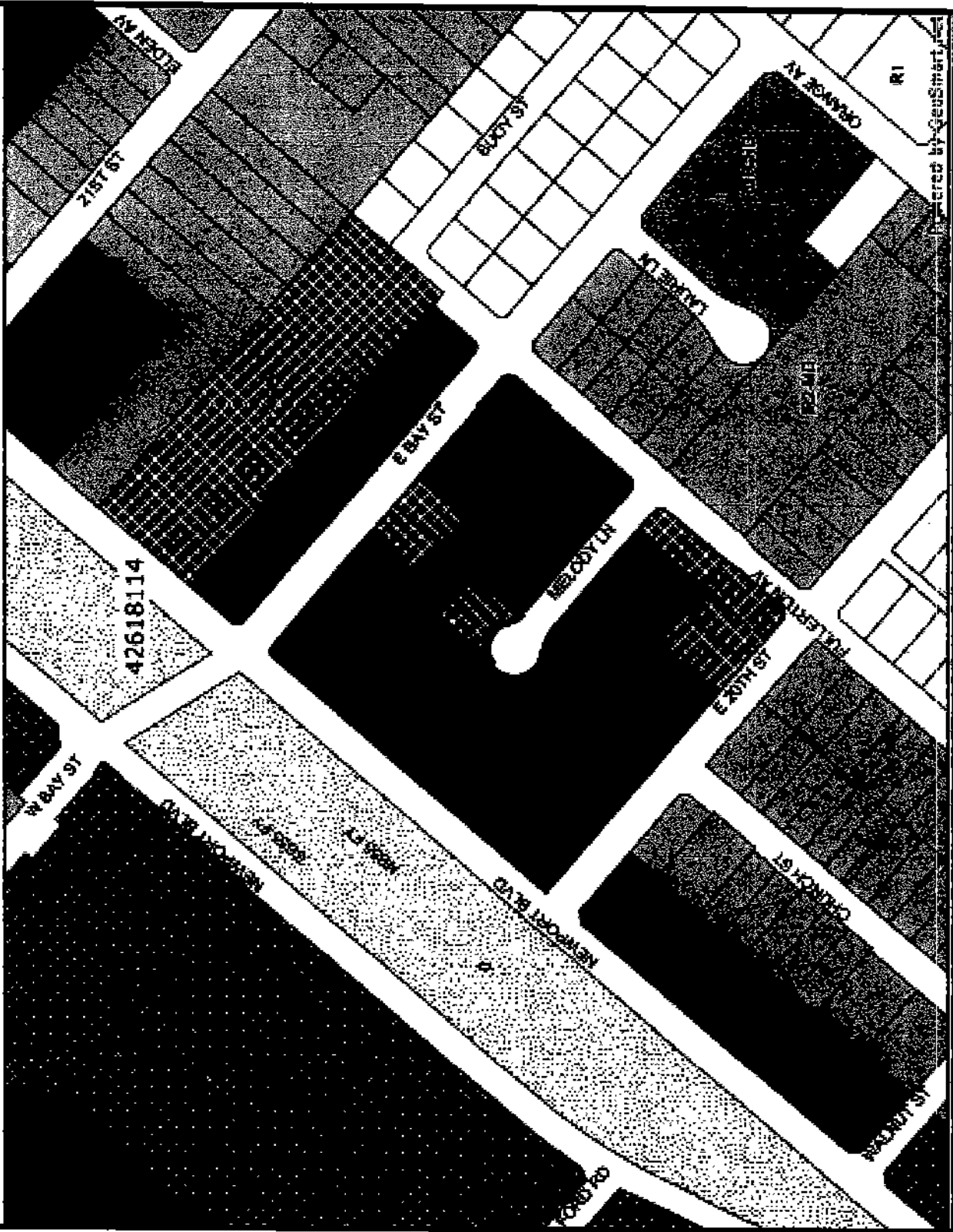


EXHIBIT B

The following property is hereby rezoned as follows:

ZONING DISTRICT	PARCEL NUMBER
Multiple-Family Residential (R3)	426-181-14

Excerpt from the minutes of the Planning Commission meeting of October 10, 2005.

REZONE PETITION R-05-02

Jon K. Jenkins

The Chair opened the public hearing for consideration of Rezone Petition R-05-02 for Jon Jenkins to rezone property located at 124 Melody Lane from R2-HD (Multi-Family Residential District High-Density) to R3 (Multi-Family Residential District). Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report and gave a presentation. Ms. Shih said staff was recommending to Planning Commission that they recommend approval to City Council, by adoption of Planning Commission resolution.

Commissioner Fisler confirmed with Ms. Shih that the square-footage of the lot is no greater for R3 than it is for R2-High Density. Further, she also confirmed the requirement for minimum lot size is the same for R2 or R3 and would not increase the non-conformity of the lot.

Jon Jenkins, 124 Melody Lane, Costa Mesa, displayed photographs showing the existing conditions and uniqueness of this area.

Commissioner Fisler stated that he is a realtor and showed this property a couple of months ago and he noticed today, that this property is still active. Mr. Jenkins confirmed and explained that this is not a project he will be undertaking. He said there are some developers interested in the property with the caveat that they could build multiple units on it. He said no one wants to take it as it is because it is the only "house" on that street, or in that neighborhood.

No one else wished to speak and the Chair closed the public hearing.

MOTION:

R-05-02

Recommended approval

A motion was made by Vice Chair Hall, seconded by Commissioner Fisler and carried 5-0 to recommend to City Council, approval of Rezone Petition R-05-02, by adoption of Planning Commission Resolution PC-05-65, based on analysis and information in the Planning Division staff report and findings contained in exhibit "A."



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: OCTOBER 10, 2005

III.1.
ITEM NUMBER:

SUBJECT: REZONE R-05-02
124 MELODY LANE

DATE: SEPTEMBER 29, 2005

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

PROJECT DESCRIPTION


The applicant is requesting approval of a rezone from R2-HD (Multiple-Family Residential, High Density) to R3 (Multiple-Family Residential).

APPLICANT

The property owner, Jon K. Jenkins, is the project applicant.

RECOMMENDATION

Recommend approval to City Council by adoption of Planning Commission resolution.


WENDY SHIH
Associate Planner


R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

The subject property is located at the end of a cul-de-sac, on the north side of Melody Lane. The property contains a single-family residence, and is zoned R2-HD (Multiple-Family Residential, High Density) with a General Plan designation of High Density Residential. The lot is surrounded by R3 (Multiple-Family Residential) zoned properties to the north, east, and south, which contain apartment units. The property to the west is zoned C1 (Local Business District) and contains a mini-warehouse facility.

The subject property is legal, nonconforming with respect to lot size and width (minimum 12,000 square feet and 100 feet wide required; 8,873 square feet and 92 feet existing) for both the existing R2-HD zone and the proposed R3 zone.

ANALYSIS

The applicant proposes to rezone the property to R3 to accommodate future condominiums. Based on one unit per 3,000 square feet of lot area, the existing R2-HD zone allows a maximum of two units on the property and the units have to be under a single owner (minimum three units are required to qualify as a common interest development). Under R3, a maximum of four units would be permitted and the units would be allowed to be sold independent of one another. Rezoning the property from R2-HD to R3 would not increase the property's nonconformity with regards to lot size and width. The applicant is aware that future development must comply with Code.

The proposed R3 zone is compatible with the property's existing High Density Residential General Plan Land Use Designation, which accommodates the proposed zone and density. The proposal is also consistent with General Plan Land Use Goals and Objectives LU-1A.4, which encourages owner-occupied housing, and LU-1F.4, which requires consideration of residential densities with respect to infrastructure and existing residences. The rezone would allow additional home ownership opportunities within the City, and would result in a general upgrading of the property. The proposed density can be supported by existing infrastructure and is compatible with existing multiple-family residential properties in the vicinity.

ENVIRONMENTAL DETERMINATION

Pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

ALTERNATIVES

1. Recommend City Council approve R-05-02, which would allow condominiums (ownership units) to be built on the property; or

2. Recommend that City Council deny R-5-02. If the rezone is denied, no more than two rental units would be allowed on the property.

CONCLUSION

It is staff's opinion that the proposed rezone is consistent with the General Plan. The R3 zone would allow a general upgrading of the property and additional home ownership opportunities within the City. Additionally, the R3 zone would be consistent with existing residential properties in the vicinity.

Attachments: Applicant's Project Description and Justification
 Aerial Photograph
 Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" – Zone Change Map Exhibit

cc: Deputy City Manager - Dev. Svs. Director
 Sr. Deputy Attorney
 Assistant City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Jon K. Jenkins
124 Melody Lane
Costa Mesa, CA 92627

File: 101005R0502	Date: 092905	Time: 2:45 p.m.
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RESOLUTION NO. PC-05- 65

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA RECOMMENDING
APPROVAL OF REZONE R-05-02**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by property owner, Jon K. Jenkins, with respect to the real property located at 124 Melody Lane, requesting a rezone from R2-HD (Multiple-Family Residential, High Density) to R3 (Multiple-Family Residential); and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 10, 2005; and


WHEREAS, the Planning Commission deems it to be in the best interest of the City that said rezone be adopted.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **RECOMMENDS APPROVAL** of R-05-02 to the City Council.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that the proposed rezone from R2-HD to R3 is compatible with the surrounding land uses, as shown in Exhibit "B".

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby recommend City Council first reading of the ordinance for R-05-03.

PASSED AND ADOPTED this 10th day of October, 2005.



Bill Perkins, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)


I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on October 10, 2005, by the following votes:

AYES: COMMISSIONERS: PERKINS, HALL, EGAN, FISLER, GARLICH

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE



Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed rezone is consistent with the Zoning Code and the General Plan. The land use designation of the site per the City's General Plan is High Density Residential, which accommodates the proposed zone and density. The rezone is also consistent with General Plan Land Use Goals and Objectives LU-1A.4 and LU-1F.4. The rezone would allow additional home ownership opportunities within the City and would result in a general upgrading of the property. Additionally, the proposed density can be supported by existing infrastructure and is compatible with existing multiple-family residential properties in the vicinity.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.